

***[NO MINUTES WERE GENERATED ON MONDAY, OCTOBER 11TH  
DUE TO THE COURT'S OBSERVANCE OF COLUMBUS DAY.]***

1601

**SUPREME COURT MINUTES  
TUESDAY, OCTOBER 12, 2004  
SAN FRANCISCO, CALIFORNIA**

**S123992**

HARROD (JESSE) ON H.C.  
Petition for review ordered withdrawn

pursuant to written request of petitioner

**S127181**

B175747 Second Appellate District,  
Division One

ROBINSON v. S.C. (PEOPLE)  
Time extended to grant or deny review

to November 12, 2004

**S121723**

F040188 Fifth Appellate District  
F040529

JOHNSON v. FORD MOTOR COMPANY  
Extension of time granted

to November 9, 2004 to serve and file  
respondent's reply brief on the merits.

**S121933**

B121917 Second Appellate District,  
Division Four

SIMON v. SAN PAOLO U.S. HOLDING COMPANY  
Extension of time granted

to November 12, 2004 for UNITED  
POLICYHOLDERS to file the amicus curiae  
application and brief.

**S123951**

C042504 Third Appellate District

WELLS v. ONE2ONE LEARNING FOUNDATION  
Extension of time granted

Appellant's time to serve and file the answer  
brief on the merits is extended to and including  
December 20, 2004. No further extensions of  
time or contemplated.

**S125314**

E032142 Fourth Appellate District,  
Division Two

PEOPLE v. MOORE  
Extension of time granted

to November 15, 2004 to file appellant's answer  
brief on the merits.

**S126945**

B167799 Second Appellate District,  
Division Three

H. (KRISTINE RENEE) v. R. (LISA ANN)  
Extension of time granted

to November 1, 2004 to file appellant's opening  
brief on the merits.

**S127697**

KEYS (LARRY) ON H.C.  
Extension of time granted

to October 20, 2004 for Attorney General to file  
informal response.

**S123722**

F043006 Fifth Appellate District

N. (HOWARD). IN RE  
Orders filed (2)

- (1) The application of PROTECTION AND  
ADVOCACY, INC. for permission to file an  
amicus curiae brief in support of appellant is  
hereby granted.  
An answer thereto may be served and filed by  
any part within twenty days of the filing of the  
brief.
- (2) The application of PROTECTION AND  
ADVOCACY, INC. for permission to file  
supplemental authorities in support of their  
amicus curiae brief is hereby granted.

**S125289**

FEDYNYSHYN ON DISCIPLINE  
Order filed

Due to clerical error of the State Bar, the order  
herein filed August 26, 2004, disbarring  
**MICHAEL PAUL FEDYNYSHYN, State Bar  
No. 123566**, is modified nunc pro tunc to  
substitute State Bar Court No. 03-N-04422 in  
place and stead of the State Bar Court Case No.  
03-O-04422.

**S126962**

IN THE MATTER OF THE SUSPENSION OF  
ATTORNEYS FOR NONPAYMENT OF DUES

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of dues filed on August 27, 2004, effective September 16, 2004, be amended nunc pro tunc to strike the name of **ERIKA KAJURITA WOODS**.

**S117527**

IN THE MATTER OF THE SUSPENSION OF  
ATTORNEYS PURSUANT TO RULE 962  
CALIFORNIA RULES OF COURT  
Order filed

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of **STEVEN JOSEPH BARTH** pursuant to our order filed on July 17, 2003, is hereby terminated  
This order is final forthwith.

**S126670**

GRADY ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **SCOTT L. GRADY, State Bar No. 153760**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for one year and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar

Court in its order approving stipulation filed on February 5, 2004, as modified by its orders filed March 19, 2004, and June 23, 2004.

Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-third of said costs are to be added to and become part of the membership fees for the years 2005, 2006 and 2007. (Bus. & Prof. Code § 6086.10.)

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S126672**

**BENNETT ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **JERALD SCOTT BENNETT, State Bar No. 123450**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year and until he makes restitution to Inge Johnson-McClarman (or the Client Security Fund, if appropriate) in the amount of \$2,000 plus 10% interest per annum from December 27, 2002, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed June 8, 2004; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney

Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S126674**

SMITH ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **ANTONIA G. SMITH, State Bar No. 97304**, be disbarred from the practice of law and that her name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S128323**

MUNRO ON RESIGNATION

The voluntary resignation of **MEREDITH A. MUNRO, State Bar No. 159164**, as a member of the State Bar of California is accepted.

**S128324**

SHEA ON RESIGNATION

The voluntary resignation of **NANCY CATHERINE SHEA, State Bar No. 79190**, as a member of the State Bar of California is accepted.

**S128329**

**WEISER ON RESIGNATION**

The voluntary resignation of **PAUL DAVID WEISER, State Bar No. 35238**, as a member of the State Bar of California is accepted.

**S128331**

**KIMBROUGH ON RESIGNATION**

The voluntary resignation of **AUDREY PAUL KIMBROUGH, State Bar No. 64282**, as a member of the State Bar of California is accepted.

**S128332**

**MASUMOTO ON RESIGNATION**

The voluntary resignation of **YASUMASA MASUMOTO, State Bar No. 151141**, as a member of the State Bar of California is accepted.

**S128333**

**MCWHIRK ON RESIGNATION**

The voluntary resignation of **ROBERT LLOYD McWHIRK, State Bar No. 53026**, as a member of the State Bar of California is accepted.

**S128334**

**CUNNINGHAM ON RESGINATION**

The voluntary resignation of **HENRY ARTHUR CUNNINGHAM, State Bar No. 060901**, as a member of the State Bar of California is accepted.

**S128336**

**FRALICH ON RESIGNATION**

The voluntary resignation of **TERRY ALAN FRALICH, State Bar No. 74412**, as a member of the State Bar of California is accepted.

**S128337**

**HARTZOG ON RESIGNATION**

The voluntary resignation of **DEE HARTZOG, State Bar No. 84132**, as a member of the State Bar of California is accepted.

**S128338**

HOGAN ON RESIGNATION

The voluntary resignation of **MARY CHRISTINE HOGAN, State Bar No. 95048**, as a member of the State Bar of California is accepted.

**Bar Misc. 4186**

IN THE MATTER OF THE APPLICATION OF THE  
COMMITTEE OF BAR EXAMINERS OF THE  
STATE BAR OF CALIFORNIA FOR ADMISSION  
OF ATTORNEYS  
Orders filed (2)

The written motion of the Committee of Bar  
Examiners that the following named  
applicants, who have fulfilled the  
requirements for admission to practice law  
in the State of California, be admitted to the  
practice of law in this state is hereby  
granted, with permission to the applicants to  
take the oath before a competent officer at  
another time and place:  
(LISTS OF NAMES ATTACHED TO  
ORIGINAL ORDERS)

**B177424** Second Appellate District

CALIF. INSURANCE GUARANTEE ASSOC. v.  
WCAB (SEILER, et al.)

The above-entitled matter, now pending in the  
Court of Appeal, Second Appellate District, is  
transferred from Division Four to Division Six.

**B177670** Second Appellate District

CALIF. INSURANCE GUARANTEE ASSOC. v.  
WCAB (WEBSTER, et al.)

The above-entitled matter, now pending in the  
Court of Appeal, Second Appellate District, is  
transferred from Division Five to Division Six.

**B177735** Second Appellate District

CALIF. INSURANCE GUARANTEE ASSOC. v.  
WCAB (ASSOCIATED INDEMNITY)

The above-entitled matter, now pending in the  
Court of Appeal, Second Appellate District, is  
transferred from Division Eight to Division Six.

**B178069** Second Appellate District

CALIF. DEPT. OF ALCOHOLIC BEVERAGE  
CONTROL v. CALIF ALCOHOLIC BEVERAGE  
CONTROL BOARD

The above-entitled matter, now pending in the  
Court of Appeal, Second Appellate District, is  
transferred from Division Two to Division  
Seven

**B178074** Second Appellate District

CALIF. DEPT. OF ALCOHOLIC BEVERAGE  
CONTROL v. CALIF ALCOHOLIC BEVERAGE  
CONTROL APPEALS BOARD

The above-entitled matter, now pending in the  
Court of Appeal, Second Appellate District, is  
transferred from Division Three to Division  
Seven

**B178105** Second Appellate District

CALIF. INSURANCE GUARANTEE ASSOC. v.  
WCAB (AMAYA, et al.)

The above-entitled matter, now pending in the  
Court of Appeal, Second Appellate District, is  
transferred from Division Eight to Division Six.

